

REMARKS

Claims 1-10 and 12-15 are now pending in this application for which applicant seeks reconsideration.

Art Rejection

Claims 1-4, 6, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fellegara et al. (U.S.P. 5,845,166) in view of Kawamura et al. (U.S.P. 7,092,024) further in view of Nagano (U.S.P. 5,561,462).

Applicants note that Fellegara et al. qualifies as prior art under 35 U.S.C. §102(e). Fellegara et al., however, was commonly assigned at the time of the present invention. Applicants submit Fellegara et al. cannot be applied in rejecting the claims at issue under 35 U.S.C. §103(a) in accordance with the provisions of 35 U.S.C. 103(c). As Fellegara et al. cannot be validly applied as a reference, applicants respectfully request that the above rejection be withdrawn.

Claims 5, 7-10, and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fellegara et al. in view of Kawamura et al. As with the above rejection, applicants note that Fellegara et al. cannot be applied as a reference. The rejection under 35 U.S.C. §103(a) is therefore improper and should be withdrawn.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.